

B

Appendix B NEPA 404 Coordination

- Signatory Agencies Correspondence



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

March 4, 2009

Melanie Brent
Office of Environmental Analysis
California Department of Transportation
111 Grand Avenue
P.O. Box 23660
Oakland, CA 94623-0660

Subject: Preliminary Least Environmentally Damaging Practicable Alternative and
Conceptual Mitigation for the Marin-Sonoma Narrows Project, Marin and
Sonoma Counties, California

Dear Ms. Brent:

The Environmental Protection Agency (EPA) has reviewed the California Department of Transportation's (Caltrans') October 14, 2008 letter and a January 16, 2009 email from Yolanda Rivas requesting agreement on the preliminary least environmentally damaging practicable alternative (LEDPA) and the Conceptual Mitigation Plan (CMP) for the Marin-Sonoma Narrows Project, Marin and Sonoma Counties, California. EPA previously received a May 30, 2008 letter, which requested agreement on the proposed LEDPA and CMP. We requested that our agreement be deferred until the Army Corps of Engineers (Corps) had verified the jurisdictional delineation of project impacts to Waters of the U.S. A copy of a Corps letter verifying the jurisdictional delineation for this project, dated December 23, 2008, was sent with Ms. Rivas' email.

Caltrans' request was made pursuant to the process outlined in the *National Environmental Policy Act/Clean Water Act (CWA) Section 404 Integration Memorandum of Understanding (NEPA/404 MOU)* of April 2006. We appreciate the interagency coordination efforts by Caltrans to identify the preliminary LEDPA and prepare a CMP.

Preliminary LEDPA

EPA agrees that the Fixed HOV Lane Alternative with Access Option 12b (Access Option 12b) is the preliminary LEDPA. Our agreement is based on the information contained in the Draft Environmental Impact Statement (DEIS), information on impacts to resources provided with your May 30, 2008 letter, and the summary of impacts to jurisdictional waters included with your October 14, 2008 letter. While

estimates of impacts contained in the DEIS indicated that Access Option 12b will impact a slightly greater acreage of Waters of the U.S. than the other access options, the difference was nominal and the alternatives considered entail other environmental impacts of concern, including larger overall project footprints (see 40 CFR 230.10(a)). The Corps verification of project impacts to Waters of the U.S. indicated an increase of 2.09 acres from the acreage of impacts quoted in the DEIS; however, based on discussions with Caltrans regarding potential reasons for the increase in measured impact acreage, EPA believes that the estimates of impacts for other alternatives would result in similar increases upon verification. Should additional information become available or significant time elapse prior to CWA Section 404 permitting, our agency may revisit this agreement point.

Conceptual Mitigation Plan

During a May 7, 2008 meeting between the NEPA/404 MOU signatory agencies and other interested parties, the Regional Water Quality Control Board (RWQCB) staff stated a preference for the purchase of fee title or conservation easements on aquatic resources in the project vicinity for purposes of compensatory mitigation. Subsequent communication between EPA and the RWQCB highlighted shared concerns about whether available mitigation bank credits could adequately meet the project's mitigation needs, particularly for impacts to linear features. In addition, EPA and the RWQCB were concerned that the proposed 1.5:1 mitigation ratio for permanent impacts to wetlands and other waters may not be sufficient to offset unavoidable impacts to waters of the U.S.

Subsequent discussions between Caltrans, the Federal Highway Administration, EPA, and RWQCB introduced other mitigation options, including acquisition of property by Caltrans and exploration of additional mitigation bank opportunities. During an August 12, 2008 conference call, Caltrans agreed to explore these options, in addition to the options stated in the May 30, 2008 request for agreement. Based on this discussion, EPA agrees with the updated CMP.

Thank you for the opportunity to provide these comments. EPA will also provide comments on the Final EIS pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act. If you have any questions, please contact Carolyn Mulvihill of my staff at (415) 947-3554 or mulvihill.carolyn@epa.gov, or Jason Brush of EPA's Wetlands Regulatory Office at 415-972-3483 or brush.jason@epa.gov.

Sincerely,



Kathleen M. Goforth, Manager
Environmental Review Office (CED-2)

For

cc: Hal Durio, Army Corps of Engineers
Dave Walsh, National Marine Fisheries Service
John Cleckler, U.S. Fish and Wildlife Service
Cesar Perez, Federal Highway Administration
Brendan Thompson, Regional Water Quality Control Board



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

**75 Hawthorne Street
San Francisco, CA 94105-3901**

October 19, 2007

Melanie Brent, Office Chief
Office of Environmental Analysis
Caltrans District 4
111 Grand Avenue
P.O. Box 23660
Oakland, CA 94623-0660

Subject: Concurrence on the Purpose and Need and Range of Alternatives for the
Marin-Sonoma Narrows Project, Marin and Sonoma Counties, California

Dear Ms. Brent:

We are writing in response to your letter of September 25, 2007 requesting concurrence on the purpose and need and range of alternatives for the above-referenced project. This request is pursuant to the *National Environmental Policy Act/Clean Water Act Section 404 Integration Process Memorandum of Understanding, 2006* (NEPA/404 MOU).


Your letter updates Caltrans' original request for concurrence dated September 29, 2006. Since that time, Caltrans, EPA, and the other NEPA/404 signatory agencies met several times to discuss the project, with these discussions leading to a significant reduction of impacts to aquatic resources. Caltrans now estimates that project alternatives would permanently impact 4.7-5.41 acres of wetlands and 3.13-3.37 acres of Waters of the United States, a decrease from previous estimates of over 18 acres of impacts to wetlands and waters.

Upon receipt of the 2006 letter, EPA requested additional information from Caltrans on the alternative selection process and estimated impacts to wetlands from those alternatives. Caltrans responded with a letter dated January 10, 2007 and a meeting was subsequently held on February 9, 2007 to further discuss these issues. Further information was discussed at an August 23, 2007 meeting of NEPA/404 MOU signatory agencies, including updated maps of Waters of the United States in the vicinity of the proposed alternatives. These discussions resulted in reduced impacts to wetlands and proposed changes to the project alternatives to realign an access road closer to the US 101 mainline near the Redwood Landfill and to incorporate 2:1 grading slopes instead of 4:1 in an effort to reduce project impacts.

Based on the updated information, EPA concurs with the purpose and need for the project and with the range of alternatives as Fixed HOV Lane, Reversible HOV Lanes, and the No Build Alternatives, with Access Options 4b, 12b, 14b, and 14d in Segment B of the build alternatives.

We appreciate the opportunity to participate in the NEPA/404 MOU process. When the DEIS is released for public review, please send two copies to the address above (mail code: CED-2). Next steps in the NEPA/404 MOU process after review of the DEIS are agreement on the 1) Least Environmentally Damaging Practicable Alternative (LEDPA), the only alternative that is permissible pursuant to the Clean Water Act (CWA) Section 404(b)(1) Guidelines, and 2) the conceptual mitigation plan. If you have any questions, please contact Michael Monroe of EPA's Wetlands Regulatory Office at 415-972-3453 or monroe.michael@epa.gov, or Carolyn Mulvihill of my staff at 415-947-3554 or mulvihill.carolyn@epa.gov.

Sincerely,


For Nova Blazej, Manager
Environmental Review Office

cc. Cesar Perez, Federal Highway Administration
Joyce Ambrosius, NOAA Fisheries
Jane M. Hicks, U.S. Army Corps of Engineers
Ryan Olah, U.S. Fish and Wildlife Service
Brendan Thompson, Regional Water Quality Control Board



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
777 Sonoma Ave., Room 325
Santa Rosa, CA 95404-4731

May 12, 2008

In response refer to:
T/SWR/2007/08320:DW

Melanie Brent, Office Chief
Office of Environmental Analysis
Caltrans District 4
111 Grand Avenue
Oakland, California 94623-2929

Dear Ms. Brent:

On May 7, 2008, NOAA's National Marine Fisheries Service (NMFS) attended the California Department of Transportation (Caltrans) sponsored meeting in Oakland, California, pertaining to the decisions made for Checkpoint 3, the Least Damaging Preferred Alternative (LEDPA), and Checkpoint 4, Conceptual Mitigation for the Marin Sonoma Narrows HOV Widening Project (MSN Project). Both Checkpoints are in accordance with the National Environmental Policy Act/Clean Water Act Section 404 Integration Process Memorandum of Understanding (NEPA/404 MOU) of April 2006.

Based on the updated information, NMFS concurs with the LEDPA 12b, including the realignment and access point control in segment B, as the preferred alternative of reaching the goals set by Caltrans in easing traffic flow. This alternative will cause the least amount of environmental impact by utilizing the existing interchanges to reduce the project footprint. This alternative will include two fixed HOV lanes through all segments (A, B, and C) and will also provide motorists a safer highway system with reduced visual impacts.

All the proposed alternatives involve construction activities at bridge crossings over waterways that have the potential to impact listed salmonids, green sturgeon, and critical habitat protected under the Endangered Species Act and the Magnusson-Stevens Fishery Conservation and Management Act. NMFS understands the need to modify and replace these bridges and is committed to work alongside Caltrans staff in developing plans that will meet their construction goals while minimizing impacts to these protected resources.

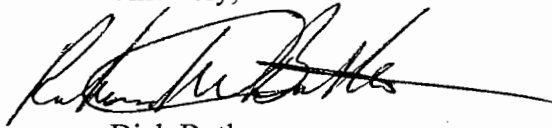
While NMFS does not use mitigation to compensate for incidental take or habitat loss in the section 7 consultation process, we do not oppose the Conceptual Mitigation plan selected for the MSN Project of purchasing land credits within the service area as a viable method to offset the wetland habitat that will be impacted by the project.



We appreciate the opportunity to participate in the NEPA/404 MOU process. When the biological assessment and request for consultation are prepared, please send two copies to NMFS, 777 Sonoma Avenue, Room 325, Santa Rosa, California, 95404.

Please feel free to contact us with further information on the MSN Project, or if you have any questions, please contact Dave Walsh of the NMFS Southwest Regional Office at (707) 575-6016, or dave.walsh@noaa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Dick Butler", with a long horizontal flourish extending to the right.

Dick Butler
Santa Rosa Area Office Supervisor
Protected Resources Division

cc: John Yeakel, Yolanda Rivas, Caltrans
Nova Blazej, Environmental Protection Agency
copy to file ARN# 151422SWR2007SR00497



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
777 Sonoma Ave., Room 325
Santa Rosa, CA 95404-4731

November 1, 2007

In response refer to:
SWR/F/SWR3:DW

Melanie Brent, Office Chief
Office of Environmental Analysis
CalTrans District 4
111 Grand Avenue
P.O. Box 23660
Oakland, California 94623-2929

Dear Ms. Brent:

On September 25, 2007, NOAA's National Marine Fisheries Service (NMFS) received a letter from CalTrans requesting concurrence on the purpose and need and range of alternatives for the Marin-Sonoma Narrows Project (project). This request is pursuant to the National Environmental Policy Act/Clean Water Act Section 404 Integration Process Memorandum of Understanding, 2006 (NEPA/404MOU).

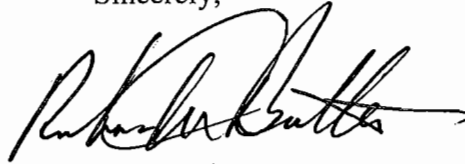
Your letter updates CalTrans' original request for concurrence dated September 29, 2006. Since that time, CalTrans and the other NEPA/404 signatory agencies met several times to discuss the project, with these discussions leading to a significant reduction of impacts to aquatic resources. CalTrans now estimates that project alternatives would permanently impact 4.7-5.41 acres of wetlands and 3.13-3.37 acres of Waters of the United States, a decrease from previous estimates of over 18 acres of impacts to wetlands and waters.

Based on the updated information, NMFS concurs with the purpose and need for the project and with the range of alternatives. NMFS concurs with all bridge alternatives that will use the least amount of piles in watered channels. Any new pile driven into a creek channel would result in loss of habitat, and, therefore, we would recommend free spanning bridges as preferable alternatives where feasible.



We appreciate the opportunity to participate in the NEPA/404 MOU process. If you have any questions, please contact Dave Walsh of the NMFS Southwest Regional Office at (707) 575-6016, or dave.walsh@noaa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Dick Butler", with a stylized, flowing script.

Dick Butler
Santa Rosa Area Office Supervisor
Protected Resources Division

cc: Nova Blazej, Environmental Protection Agency
copy to file ARN# 151422SWR2007SR00497



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
CALIFORNIA DIVISION
650 Capitol Mall, Suite 4-100
Sacramento, CA. 95814
October 13, 2006

IN REPLY REFER TO
HDA-CA
File #: 04-MAR/SON-101
Marin-Sonoma Narrows
EA 264000
Document #: P55657

Mr. Bijan Sartipi, District Director
California Department of Transportation
District 4
P. O. Box 23660
Oakland, CA 94623-0660

Attention: Melanie Brent, Office Chief, Office of Environmental Analysis

Dear Mr. Sartipi:

SUBJECT: NEPA/404 Merger Process Agreement Concurrence Marin Sonoma Narrows

This letter is in response to your letter of September 29, 2006 requesting concurrence of the Purpose and Need, and Alternatives (development and selection) as agreed upon in the NEPA/Section 404 Merger Agreement between the Environmental Protection Agency, the Corps of Engineers, the Federal Highway Administration (FHWA), and the California Department of Transportation (Caltrans) for the Marin-Sonoma Narrows project in Marin and Sonoma Counties, California.

The FHWA has reviewed the Documentation for NEPA/404 report provided by the September 29, 2006 letter. The report addresses the Northern, Central, and Southern sections of the HOV Widening Project. The FHWA concurs that the document does a complete job of explaining the both the Purpose and Need and the Project Alternatives.

If you have any questions, please contact Mr. Leland W. Dong, at (916) 498-5860 or e-mail to leland.dong@fhwa.dot.gov.

Sincerely,

For
Gene K. Fong
Division Administrator





DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
1455 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94103-1398

JUN 9 2009

REPLY TO

Regulatory Branch (1145b)

SUBJECT: File Number 2001-26214N

Ms. Melanie Brent
Department of Environmental Planning
California Department of Transportation
111 Grand Avenue
Oakland, California 94623-0660

Dear Ms. Brent:

This letter is in response to your request from the Corps for preliminary concurrence that the proposed alternative for the Route 101 Marin-Sonoma Narrows HOV Widening Project represents the least environmentally damaging practicable alternative (LEDPA). This alternative is described as the Fixed HOV Lane Alternative with Access Option 12b.

The Proposed project would begin 0.3 mile south of Route 37 interchange in Novato, Marin County and end 0.3 mile north of Corona Road Overcrossing in Petaluma, Sonoma County. The proposed project is divided into three sections, Section A at the south end, Section C at the north end and Section B in the middle. Sections A and C are already developed into a freeway design where access is restricted to major intersections. The main change in Section A would be to convert the existing six lane freeway to an eight lane freeway, with three through lanes and one HOV lane in each direction. In Section C, the main change would convert a four-lane freeway to a six-lane freeway, with two through lanes and one HOV lane in each direction. In Sections A and C the highway alignment would remain the same as the existing highway with most of the widening for the HOV lanes taking place in the existing median. Section B is presently a four-lane expressway, with local intersections and private driveways that have direct access to the highway. The proposed alternative would change the existing expressway design to a freeway design with access to the highway only at major interchanges. The proposed alternative would require the addition of two new interchanges and the addition of frontage roads that would accommodate all adjacent property owners' access to their properties. Total proposed project impacts to jurisdictional waters of the U.S. are estimated at approximately 12.8 acres, including 9.25 acres of proposed impacts to wetlands.

This project is being processed pursuant to the Memorandum of Understanding – National Environmental Policy Act and Clean Water Act Section 404 Integration Process for Surface

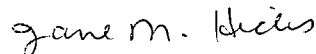
Transportation Projects in Arizona, California, and Nevada (NEPA-404 Integration MOU). In accordance with the NEPA-404 Integration MOU, the Corps does preliminarily agree;

- a. alignment alternative B with Access Option 12b complies with the Section 404(b)(1) guidelines and represents the least environmentally damaging practicable alternative, and
- b. incorporation of practicable mitigation measures will allow this alternative to avoid significant degradation of the aquatic environment

We have based our concurrence on the information contained in the Draft Environmental Impact Report / Draft Environmental Impact Statement (October 2007) and the summary of impacts table entitled Marin-Sonoma Narrows Project Impacts under the Fixed or Reversible HOV Alternative. As this represents a preliminary determination, the Corps reserves the right to revise this position in the event that new information is presented or compelling concerns are raised regarding the design, implementation, or effects of the proposed project.

Should you have any questions regarding this matter, please call Hal Durio of our Regulatory Branch at 415-503-6785. Please address all correspondence to the Regulatory Branch and refer to the File Number at the head of this letter.

Sincerely,



Jane M. Hicks
Chief, Regulatory Branch

Copy Furnished:

US EPA, San Francisco, CA



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
1455 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94103-1398

REPLY TO

DEC 23 2008

Regulatory Division (1145b)

SUBJECT: File Number 2001 - 26214N

Mr. Jeffrey G. Jensen
California Department of Transportation
Office of Biological Sciences & Permits
PO Box 23660
Oakland, California 94623-0660

Dear Mr. Jensen:

This letter is written in response to your submittal of November 1, 2007 requesting confirmation of the extent of Corps of Engineers jurisdiction within the study area of the Marin-Sonoma Narrows Widening Project located along Route 101. The project begins in Marin County at the State Route 37 intersection with Route 101 and ends in Sonoma County, in the city of Petaluma 1920 feet northbound direction of the Corona Road overcrossing.

Enclosed is a set of maps (Map 1 through Map 40) showing the extent and location of Corps of Engineers jurisdiction. We have based this jurisdictional delineation on the current conditions on the site as verified during a site visit performed by our staff on June 25 and 26, 2008. A change in those conditions may also change the extent of our jurisdiction. This jurisdictional delineation will expire in five years from the date of this letter. However, if there has been a change in circumstances that affects the extent of Corps jurisdiction, a revision may be completed before that date.

All proposed work and/or structures extending bayward or seaward of the line on shore reached by: (1) mean high water (MHW) in tidal waters, or (2) ordinary high water in non-tidal waters designated as navigable waters of the United States, must be authorized by the Corps of Engineers pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 403). Additionally, all work and structures proposed in unfilled portions of the interior of diked areas below former MHW must also be authorized under Section 10 of the same statute.

All proposed discharges of dredged or fill material into waters of the United States must be authorized by the Corps of Engineers pursuant to Section 404 of the Clean Water Act (CWA) (33 U.S.C. Section 1344). Waters of the United States generally include tidal waters, lakes, ponds, rivers, streams (including intermittent streams), and wetlands.

Your proposed activity is within our jurisdiction and a permit will be required for your project. Application for Corps authorization should be made to this office using the application

form in the enclosed pamphlet. To avoid delays it is essential that you enter the file number at the top of this letter into Item No. 1 of the application. The application must include plans showing the location, extent and character of the proposed activity, prepared in accordance with the requirements contained in this pamphlet. You should note, in planning your project, that upon receipt of a properly completed application and plans, it may be necessary to advertise the proposed work by issuing a Public Notice for a period of 30 days.

Since an Individual Permit will probably be required to authorize your project, it will be necessary for you to demonstrate to the Corps that your proposed fill is necessary because there are no practicable alternatives as outlined in the U.S. Environmental Protection Agency's Section 404(b)(1) Guidelines. A copy of the Guidelines is enclosed to aid you in preparation of this alternative analysis. You are advised to refrain from starting your proposed activity until we complete our review of your application and issue you the required authorization. Commencement of work before you receive our notification will be interpreted as a violation of our regulations.

You are advised that the Corps has established an Administrative Appeal Process, as described in 33 C.F.R. Part 331 (65 Fed. Reg. 16,486; March 28, 2000), and outlined in the enclosed flowchart and "Notification of Administrative Appeal Options, Process, and Request for Appeal" form (NAO-RFA). If you do not intend to accept the approved jurisdictional determination, you may elect to provide new information to the District Engineer for reconsideration or submit a completed NAO-RFA form to the Division Engineer to initiate the appeal process. You will relinquish all rights to appeal, unless the Corps receives new information or a completed NAO-RFA form within sixty (60) days of the date of the NAO-RFA.

Should you have any questions regarding this matter, please call Hal Durio of our Regulatory Division at 415-503 6785. Please address all correspondence to the Regulatory Division and refer to the File Number at the head of this letter. If you would like to provide comments on our permit review process, please complete the Customer Survey Form available online at <http://per2.nwp.usace.army.mil/survey.html>.

ORIGINAL SIGNED

Sincerely,

PETER S. STRAUB
ACTING CHIEF, REG. DIVISION

FOR
Jane M. Hicks
Chief, Regulatory Division

Enclosures

Copy Furnished

CA RWQCB, Oakland, CA



"Durio, Hal E SPN
contractor "
<Hal.E.Durio@spd02.usace.
army.mil>

02/23/2007 11:36 AM

To "Melanie Brent" <melanie_brent@dot.ca.gov>

cc

bcc

Subject Marin-Sonoma Narrows (UNCLASSIFIED)

History:

➡ This message has been forwarded.

Classification: **UNCLASSIFIED**

Caveats: NONE

Melanie,

I am trying to pack my desk and ran across a letter from you on the Narrows project setting up the meeting we had on Feb 9, but notice a statement where Caltrans is requesting a Corps response on Checkpoint 1 (Project Purpose and Need), and Checkpoint 2 (Range of Alternatives) as required in the NEPA 404 process.

Do you need a formal letter from the Corps or will an e-mail work? In either case I am going to be shut down here for at least 3 weeks while the Corps moves its office, so it may take me a while to get you a letter. In the meantime I will add a quick response to Checkpoint 1 and 2 in this e-mail.

I have reviewed the Purpose and Need of the project and the Corps is satisfied with the Caltran's purpose and need statements for this project.

I have also reviewed the alternatives that Caltrans has studied for this project. The Corps is satisfied that Caltrans has considered all reasonable alternatives and is willing to continue to modify alternatives when problems arise that were not previously considered. This was demonstrated at the last meeting when Caltrans showed a willingness to study modifying the frontage road location through parcels 125-60-18, 125-60-20, and 125-60-12. The purpose of the frontage road modification will be to move the frontage road to a location adjacent to the new highway alignment in order to avoid impacting quality wetlands. The Corps is looking forward to reviewing the results of Caltran's review.

Please let me know if you will need a formal letter from the Corps with these statements.

Hal

Hal Durio, Caltrans Liaison
U.S. Army Corps of Engineers
333 Market Street, 8th floor
San Francisco, CA 94105-2197
Phone: (415) 977 8472

Classification: **UNCLASSIFIED**

Caveats: NONE

Appendix B NEPA 404 Coordination

- Non-Signatory Agency Correspondence



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board

San Francisco Bay Region

1515 Clay Street, Suite 1400, Oakland, California 94612
(510) 622-2300 • Fax (510) 622-2460
<http://www.waterboards.ca.gov/sanfranciscobay>



Arnold Schwarzenegger
Governor

June 26, 2008
CIWQS Place No.: 717486 (BT)

Ms. Melanie Brent
California Department of Transportation
PO Box 23660
Oakland, CA. 94623-0660

SUBJECT: Comments Relating to the Least Damaging Preferred Alternative and General Mitigation Strategy for the Marin-Sonoma Narrows Project

Dear Ms. Brent:

Thank you to the California Department of Transportation (Department) for giving the San Francisco Bay Regional Water Quality Control Board (Water Board) staff the opportunity to participate in NEPA/404 meetings pertaining to the Marin-Sonoma Narrows Project (Project). The Department is soliciting comments germane to the Department's preferred Project alternative and proposed mitigation strategy. Water Board staff offer the below comments.

We are satisfied that the Department has satisfactorily examined practicable alternatives and arrived at a preferred Project alternative that is the least environmentally damaging.

The Department has expressed intent to mitigate for the entirety of impacts to jurisdictional wetlands and waters at Burdell Mitigation Bank. Please be aware that because of the proposed fill of wetlands and waters, the Project will require a 401 water quality certification or issuance of Waste Discharge Requirements from the Water Board (Permit). The Department should plan its mitigation strategy accordingly to account for Water Board Permit mitigation requirements. Please consider the following:

- The Department must fully demonstrate that on-site and nearby site mitigation options have been fully exhausted before a proposal to buy seasonal wetland mitigation bank credits may be considered; and,
- The Water Board only accepts mitigation credits at Burdell that compensate for impacts to seasonal wetlands. Credits will not be accepted out-of-kind for impacts to jurisdictional waters such as riparian areas, creeks, streams, roadside ditches, swales, etc.

California Environmental Protection Agency

Acquisition of mitigation opportunities for impacts to riparian or other linear jurisdictional features has been shown to be a challenge in the San Francisco Bay area. The Water Board recognizes that San Antonio Creek runs through the Project area and presents a valuable opportunity for the Department to possibly secure riparian restoration and preservation opportunities. Water Board staff understands there is an approximately 69-acre private parcel adjacent the Project site (Vichini property) that is in the planning stages for conversion to a wetland and riparian mitigation bank. Water Board staff recommends the Department evaluate taking advantage of riparian restoration opportunities at this and/or other locations adjacent the Project site.

If you have any questions, please contact Brendan Thompson of my staff at (510) 622-2506, or via e-mail to BThompson@waterboards.ca.gov.

Sincerely,



Keith H. Lichten, P.E.
Senior Engineer

cc: Mr. Hardeep Takhar, Caltrans
Ms. Carolyn Mulvihill, USEPA
Mr. Hal Durio, USACE
Ms. Melissa Escaron, CDFG
Ms. Joyce Ambrosius, NMFS
Transportation Solutions Defense and Education Fund



"Brendan Thompson "
<BThompson@waterboards.ca.gov>

04/19/2007 02:08 PM

To: <trang_t_hoang@dot.ca.gov>
cc: <david_yam@dot.ca.gov>, "Keith Lichten"
<KLichten@waterboards.ca.gov>
Subject: Re: Marin Sonoma Narrows Project: Response to RWQCB 2-20-07 letter

Hello Trang,

Thank you very much for the update. That is fantastic that Caltrans has found a way to avoid this important, quality wetland near the Redwood Landfill Driveway. This should reduce Department mitigation requirements significantly.

We look forward to reviewing the revised environmental document.
Thanks again,

-Brendan

Brendan Thompson
Environmental Specialist
SF Bay Regional Water Quality Control Board
1515 Clay St, Suite 1400
Oakland, CA 94612
Phone: (510) 622-2506
Fax: (510) 622-2460
bthompson@waterboards.ca.gov

>>> Trang T Hoang <trang_t_hoang@dot.ca.gov> 4/17/2007 4:27:00 PM >>>

Hi Brendan,

In response to your 2-20-07 letter to Melanie Brent re: Marin-Sonoma Narrows Project expressing the Board's concern at the wetland impacts at Redwood Landfill Driveway, below are revised (and preliminary) layouts at the driveway. In addition, we will be reviewing our wetland delineation and anticipate we can substantially reduce our impacts in this area.

Please call if you have any questions.

Trang Hoang
Storm Water Coordination
w: 510.286.5629
f: 510.286.5642

----- Forwarded by Trang T Hoang/D04/Caltrans/CAGov on 04/17/2007 03:53 PM

Yolanda Rivas

To: Trang T Hoang/D04/Caltrans/CAGov@DOT

04/17/2007 03:23 cc:

PM Subject: Response to RWQCB

(See attached file: 12b.pdf)(See attached file: 14b.pdf)(See attached file:
4b.pdf)(See attached file: 14d.pdf)

Thanks for your help!
Yolanda Rivas
Senior Environmental Planner
(510) 622-1705



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board

San Francisco Bay Region

1515 Clay Street, Suite 1400, Oakland, California 94612
(510) 622-2300 • Fax (510) 622-2460
<http://www.waterboards.ca.gov/sanfranciscobay>



Arnold Schwarzenegger
Governor

Date: **FEB 20 2007**
File No.: 2148.02 (BT)

Ms. Melanie Brent
California Department of Transportation
PO Box 23660
Oakland, CA. 94623-0660

SUBJECT: Additional Comments Relating to the Purpose and Need and Range of Alternatives for the Marin-Sonoma Narrows Project

Dear Ms. Brent:

Thank you for giving the San Francisco Bay Regional Water Quality Control Board (Water Board) staff the opportunity to participate in NEPA/404 meetings pertaining to the Marin-Sonoma Narrows Project (Project). The Water Board sent the California Department of Transportation (Department) a letter on November 30, 2006, agreeing with the Project's purpose, need, and impact avoidance analyses. This letter serves as a revision to the letter sent to the Department on November 30, 2006. Water Board staff still agree with the purpose and need for the Project, but in consideration of new potential Project alternatives, staff believe that additional opportunities for wetland avoidance may be available to the Department.

Staff from the Department, Water Board, United States Environmental Protection Agency (USEPA), Federal Highway Administration and the U.S. Army Corps of Engineers met on February 9, 2007, to further discuss alternative analyses and opportunities to reduce proposed impacts to federal jurisdictional waters. Discussions focused on the proposed relocation of the access road for properties east of US-101 just south of the current Redwood landfill driveway. The current preferred alternative would impact a significant area of wetlands adjacent the western side of the rail tracks immediately south of the landfill driveway. It was agreed that the Department would further investigate opportunities to avoid these wetland areas. Potential avoidance strategies could include moving the access road west to straddle the northbound freeway lane. It was discussed that a retaining wall or steeper side slope may be necessary to accommodate this proposed alternative. Benefits to relocating the access road alongside the freeway would include dramatically lower mitigation costs for wetland impacts. Another option was discussed where the access road could be moved to the eastern side of the rail tracks.

The Water Board uses the U.S. EPA's Section 404(b)(1) "Guidelines for Specification of Disposal Sites for Dredge or Fill Material" to determine circumstances under which wetland fill may be permitted. Please note that all options to avoid wetlands at this location, including the two mentioned above, must be fully and adequately evaluated by the Department. Cost comparisons

between the currently preferred alternative and any potential alternative designs should include projected mitigation and capital costs.

If you have any questions, please contact Brendan Thompson of my staff at (510) 622-2506, or via e-mail to BThompson@waterboards.ca.gov.

Sincerely,



Keith H. Lichten, P.E.
Senior Engineer

cc: Mr. Ray Akkawi, Caltrans
Mr. Mike Monroe, USEPA, San Francisco
Mr. Hal Durio, USACE, San Francisco



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board

San Francisco Bay Region

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Arnold Schwarzenegger
Governor

Date: NOV 30 2006
File No.: 2148.02 (BT)

Ms. Melanie Brent
California Department of Transportation
PO Box 23660
Oakland, CA. 94623-0660

SUBJECT: Comments Relating to the Purpose and Need and Range of Alternatives for the Marin-Sonoma Narrows Project

Dear Ms. Brent:

Thank you for giving the Regional Water Quality Control Board (Water Board) staff the opportunity to participate in NEPA/404 meetings pertaining to the Marin-Sonoma Narrows Project (Project).

The Water Board agrees with the California Department of Transportation's (Department's) purpose and need for the proposed Project. The Water Board also finds that the Department adequately investigated alternative Project designs to avoid and minimize impacts to wetlands and waters.

To help avoid any potential delays in the permitting process, please consult with Water Board staff as the Department's mitigation proposal for impacts to wetlands and waters is being developed. Also, please note that the Water Board expects that the Department will ensure the appropriate treatment of stormwater runoff from the entirety of the area of new and any redeveloped impervious surface. Should it prove infeasible to treat runoff, the Department should identify alternate treatment that will provide a water quality benefit equivalent to the foregone treatment.

If you have any questions, please contact Brendan Thompson of my staff at (510) 622-2506, or via e-mail to BThompson@waterboards.ca.gov.

Sincerely,

Keith H. Lichten, P.E.
Senior Engineer

cc: Mr. Ray Akkawi, Caltrans

